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APPLICATION NO.

*081978607**RECEIVED  
MAY 12 2004  
TECH CENTER 1600  
2000*1. PETITION TYPE CODE

- R137(a) Petition-----501
- R137(a) Petition -----509  
(Issue Fee/Dwgs)
- R137(b) Petition-----502
- R137(b) Petition-----510  
(Issue Fee/Dwgs)
- R137(f) Petition-----536
- R182 Petition-----519
- R183 Petition-----503
- R378(b) Petition-----532
- R378(c) Petition-----533
- R377 Petition-----521
- R3.81(b) Petition-----523
- R181 Petition-----515
- R181 Petition-----504

PETITION TYPE CODE

- R28c Petition-----321/
- R47 Petition-----313
- R53(e) Petition-----408
- R10 Petition-----411
- Lost Application-----412
- R78(a)(3) Petition-----535
- R78(a)(6) Petition-----535
- R55(c) Petition-----535
- R314 Petition-----508
- R55(a) Petition-----507
- Pet. W/D Abn-----525
- R705(b) PTA-Bef iss-----550
- R705(d) PTA-Aft iss-----551
- R705(c)PTA-SpiteDueCare-552
- Other \_\_\_\_\_

2. LIST PAPERS FILED WITH PETITIONS

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<input type="checkbox"/> Election	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Oath/Decl. & POA
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Request CofC	<input type="checkbox"/> Priority Documents
<input type="checkbox"/> Brief (3)	<input type="checkbox"/> Issue Fee	<input type="checkbox"/> Statement 3.73(b)
<input type="checkbox"/> Reply Brief	<input type="checkbox"/> Drawings	<input type="checkbox"/> Rescind Non-Pub Req.
<input type="checkbox"/> Declaration R132	<input type="checkbox"/> Ext Time (____)	<input type="checkbox"/> Notice of Foreign Filing

Other Papers \_\_\_\_\_

3. Is paper a petition to withdraw holding of abandonment:  yes  noIf so, send paper and/or file to appropriate location (*Note: remove any flag set first*):

a. Nonreceipt of action from TC or assertion that reply was timely filed:

Send paper to TC *1632*

b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:

Send paper to -OIPE: ATTN: Doshie Day -CP2-5B26

c: Assertion of timely payment of issue fee and/or submission of drawings:

Send petition to Office of Publications: ATTN: Tom Hawkins

d. Other \_\_\_\_\_

4. Other: \_\_\_\_\_

If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location?  yes  no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)

## KRAMER LEVIN NAFTALIS &amp; FRANKEL LLP

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Fax Department: (212) 715-9191

Fax Number: 212-715-8250

FROM: Eleanor N. Johnson  
PHONE: 212-715-7738

DATE: May 6, 2004

**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
1. Examiner T. Saidha		703-872-9306	571-272-0940

Total number of pages including this page: 13

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Re: Serial No. 08/978,607 - Chimeric Target Molecules Having a Regulatable Activity

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Customer No. 35745

Docket No. 100390-09650

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Fastrez et al.  
Serial No. : 08/978,607  
Filed : November 26, 1997  
For : Chimeric Target Molecules Having a Regulatable Activity  
Group Art Unit : 1652  
Examiner : Saidha, Tekchand

**CERTIFICATE OF FIRST CLASS MAILING**

I hereby certify that this correspondence is being deposited on May 6, 2004, with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: May 6, 2004

  
Jennifer N. Johnson, Reg. No. 53,076**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Director under 37 CFR § 1.181 and MPEP § 711.03(c) to withdraw the holding of abandonment of the above-identified application.

A Notice of Abandonment was mailed on April 16, 2004 stating that the application was abandoned due to Applicants' failure to respond to the Final Office Action mailed July 30, 2003.

However, Applicants timely filed on September 30, 2003 a Petition For Another Two Months Extension Of Time and a Notice Of Appeal to the July 30, 2003 Final Office Action. Both the Petition and the Notice Of Appeal contained the requisite Certificate Of

KL3-233B189.1

Mailing certifying that those documents were indeed timely filed on September 30, 2003. 37

C.F.R. § 1.8. A copy of Applicants' Notice of Appeal and Petition For Another Two Months Extension Of Time are attached hereto as Exhibit A and B respectively.

Further, the return receipt postcard duly stamped by the United States Patent and Trademark Office on October 3, 2003, acknowledging receipt of: (1) Notice of Appeal and duplicate copy; (2) Petition For Two-Month Extension Of Time and duplicate copy; (3) Kramer Levin Naftalis & Frankel LLP check for \$160.00; (4) Kramer Levin Naftalis & Frankel LLP check for \$410.00; and (5) Certificate of Mailing dated September 30, 2003 by the United States Patent and Trademark Office, is attached as Exhibit C. Copies of items (3) and (4), i.e., the checks for the amounts of \$160.00 and \$410.00, respectively, are attached as Exhibit D.

Therefore, withdrawal of the Notice of Abandonment, and reinstatement of the pendency of the application in consideration of the Applicants' Notice of Appeal is respectfully requested so that Applicants may proceed to timely file an Appeal Brief in the above captioned application.

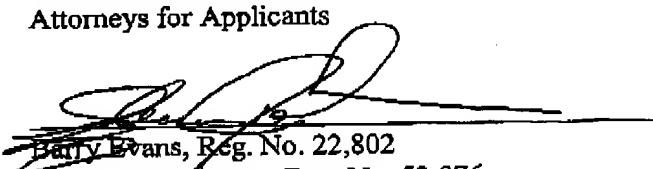
No fee is believed due. If there are any such fees, the Director is authorized to charge and deficiency, or credit any overpayment, to our Deposit Account No. 50-0540.

Dated: May 6, 2004

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP  
Attorneys for Applicants

By:

  
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